

**FLOOD SALES TAX COMMITTEE  
OCTOBER 18, 2021—1:00 AM**

**1. MEETING TO ORDER**

Commissioner Mary Scherling called a meeting of the Flood Sales Tax Committee to order on Monday, October 18, 2021 at 1:01 PM, with the following present in person: Commissioner Mary Scherling; Commissioner Rick Steen; County Administrator Robert Wilson; and via Microsoft Teams: County Finance Director Brandy Madrigga and Joint Water Resource District Representative Rodger Olson. County Engineer Jason Benson was absent.

Also present in person was Deputy County Engineer Tom Soucy; Commissioner Jim Kapitan; Engineer Kurt Lysne of Moore Engineering; and via Microsoft Teams: County Accountant Sarah Heinle; Engineer Brandon Oye of Moore Engineering; and project applicant Kathy Auka.

**2. MINUTES APPROVED**

***MOTION, passed***

**Mr. Steen moved and Mr. Wilson seconded that the minutes of the previous meeting be approved as written. Motion carried.**

**3. FLOOD SALES TAX FUND UPDATE**

Ms. Heinle reviewed the Flood Sales Tax Fund, which has a current balance of \$9,258,307.31 and the unincumbered balance is \$5,398,714.94.

Mr. Steen asked for clarification on Cass Highway 15 bridge on Drain 14 project that was approved at the last meeting with the understanding that the funds would be reimbursed by the CARES Act funding the Highway Department will receive. Mr. Soucy said he and Mr. Benson looked at the project and a drop structure is needed that will cost approximately \$270,000 and is not included in the project cost approved by the Committee. He said the Highway Department has many projects to complete as part of the five-year plan and requests the Flood Sales Tax Committee commit funds to the projects without reimbursement. Mr. Wilson said he talked with Mr. Benson and he plans to address this project again at the next Road Advisory Committee meeting. Mr. Steen asked how much CARES Act funding the Highway Department is going to receive. Mr. Soucy said there has been discussions of funding of \$5.5 million; however, no definite number has been determined. Mrs. Scherling said any action now is premature, she said the Committee is expecting a reimbursement until further action is determined.

**4. STATUS OF PREVIOUSLY APPROVED PROJECTS**

Mr. Lysne, Mr. Soucy, and Mr. Oye gave updates on the status of various projects they were familiar with.

2015 Upper Maple River Detention Study Phase 2

Mr. Lysne said the study is wrapping up and at the beginning of construction and design phases. He said there is one outstanding item for water quality benefits, the National Resources Conservation Service (NRCS) may fund 100% or less of the project, and there may be a request for funds in the future.

2015 Rush River Detention Study Phase 2

Mr. Lysne said this project is wrapping up and resulted in a ring dike project for the City of Amenia. He said there is no request at this time, and there may be in the future.

2017 Sheldon Addition Ring Levee Project

Mr. Lysne said this project is outside of the FM Diversion project, and the most economic option is to get material is through the P3 contractor of the Diversion. He said the levee will be constructed after the Diversion construction has begun.

2018 City of Arthur Storm Sewer

Mr. Lysne said this project is complete and no further requests will be submitted.

***MOTION, passed***

**Mr. Steen moved and Mr. Olson seconded to de-obligate funds from the 2018 City of Arthur Storm Sewer Project. Motion carried.**

2019 Upper Maple River Dam Improvements

Mr. Lysne said this project is complete and the Water Resource District should be submitting a final reimbursement request soon.

2019 T-180 Dam Safety Improvements

Mr. Lysne said this project is complete and the Water Resource District should be submitting a reimbursement request soon.

2020 Davenport Levee

Mr. Lysne said this project is in final design stages and funding has been secured. He said he anticipates request will be coming soon.

2016 City of Mapleton Levee Raise

Mr. Oye said this project is working on getting a certification from FEMA, and no additional construction is needed. He said there may be an additional reimbursement request in the future.

2020 Casselton Industrial Park Corrective Work

Mr. Oye said this project was completed over a year ago and there will be no additional requests.

***MOTION, passed***

**Mr. Steen moved and Mr. Wilson seconded to de-obligate funds from the 2020 Casselton Industrial Park Corrective Work. Motion carried.**

2020 Hofer Property

Mr. Soucy said this property will close in the beginning of November. He said there have been funds allocated from the Department of Emergency Services, and they are pursuing those funds before requesting funds from the Flood Sales Tax Fund.

2020 Phillips Property

Mr. Soucy said this property has been purchased, and there will be no additional requests.

***MOTION, passed***

**Mr. Steen moved and Mr. Wilson seconded to de-obligate funds from the 2020 Phillips Property. Motion carried.**

2021 Gill Township Road

Mr. Soucy said this project is complete and Gill Township will be submitting their reimbursement requests after they receive the final invoices for the project.

2021 Maple River Township Road

Mr. Soucy said no work has been completed on this project as there are right of way issues that need to be worked out.

2019 Auka Ring Levee

When this project was first presented, the project cost was estimated at \$45,000 of which the State Water Commission (SWC) approved \$24,347.83. The Flood Sales Tax Committee then approved 50% of the local cost share in the amount of \$10,313.10. Mr. Soucy said the actual project estimates and contract bid came back at \$111,173.50. He said at the last meeting there was discussion that the Committee would consider additional funding if the SWC approved a larger funding amount.

Ms. Auka said the constriction agreement is in the amount of \$111,173.50, engineer and legal fees of \$1,995.50, and a security deposit of \$1,000 bringing the total cost of the project to \$114,169. She said the SWC agreed to additional funding in the total amount of \$55,000, leaving a remaining balance of \$58,169. She said the project is completed. Ms. Auka asked the Flood Sales Tax Committee to consider additional funding. Mr. Lysne said the SWC project policy is to fund 60% of project costs with a cap of \$55,000, so the Commission approved the maximum amount. Mr. Steen said if the total remaining balance is \$59,169, 50% of that is \$26,589.

***MOTION, passed***

**Mr. Steen moved and Mr. Wilson seconded to approve funding for the 2019 Auka Ring Levy at a 50% local cost share in the amount of \$26,589. On Roll call vote, the motion carried unanimously. Discussion: Ms. Auka said she understands the 50% cost share precedent; however, she discussed the cost to the County for future sandbagging efforts if the levee was not built. She said the costs for sandbagging is approximately \$17,583 per year. Mr. Steen asked how many years the County has provided sandbagging efforts on their property in the past. Ms. Auka said the County has sandbagged on her property two years. Mr. Steen said the County has already provided \$35,000 to protect her property and now are providing an additional \$26,000. Ms. Auka said it is now the responsibility of her and her husband to maintain the levee. Mr. Steen said it is the responsibly of every property owner to maintain their property. Ms. Auka said the Flood Sales Tax Committee has the authority to provide over 50%. Mrs. Scherling said the Flood Sales Tax policy states that the increase in the shared percentage is based on how many properties are being protected by the project. Mr. Steen said there was mention of the Sheldon levee project that was given over 50% funding and provided protection to 17 homes. He calculated that \$27,176 per home was given and the Committee is giving the Auka's \$26,589. He said the funding for both projects are close and equitable.**

Ms. Auka thanked the committee and all other parties that helped in getting this project completed and funded.

**5. ADJOURNMENT**

There being no further business, the meeting was adjourned at 1:47 PM.

Minutes prepared by Taylor Albrecht, Commission Assistant